

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

CHAVEZ D. PRICE,  
(TDCJ-CID #821134),

Plaintiff,

VS.

WARDEN M.A. COMSTOCK, *et al.*,

Defendants.

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CIVIL ACTION NO. H-15-0119

**MEMORANDUM AND OPINION DISMISSING CASE**

Chavez D. Price is an inmate of the Texas Department of Criminal Justice – Correctional Institutions Division who sought to proceed without prepaying fees or costs. In an order entered on March 10, 2015, (Docket Entry No. 6), the court told Price to send a certified copy of his inmate trust fund account history showing the deposits and monthly balances for the six months before he filed this suit. The order set an April 15, 2015 deadline and warned Price that failing to comply within the deadline could result in the dismissal of his suit.

Price has not responded to the court's March 10, 2015 order. Price's failure to comply with this court's order forces this court to conclude that he lacks due diligence. The case is dismissed because Price failed to comply with the court's order and failed to prosecute the case. *See* FED. R. CIV. P. 41(b); *Link v. Wabash R.R.*, 370 U.S. 626 (1962); *Woodson v. Surgitek, Inc.*, 57 F.3d 1406, 1417 (5th Cir. 1995); 8 J. MOORE ET AL., MOORE'S FEDERAL PRACTICE § 41.51(3)(b) & (e) (3d ed. 2010). This action is dismissed without prejudice. Price's motion for leave to file explanation, (Docket Entry No. 4), is granted.

SIGNED on April 20, 2015, at Houston, Texas.



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Lee H. Rosenthal  
United States District Judge